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MAR 30 2004

**PUBLIC SERVICE
COMMISSION**

CASE NO. 2004-00063

**LITTLE MUD LICK
TOWER**

JOHNSON COUNTY, KENTUCKY

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 30 2004

**PUBLIC SERVICE
COMMISSION**

In the matter of:

THE APPLICATION OF EAST KENTUCKY NETWORK)
LIMITED LIABILITY COMPANY FOR THE ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE No 2004-00063
NECESSITY TO CONSTRUCT A TOWER IN JOHNSON)
COUNTY, KENTUCKY).

In case number 91-002 East Kentucky Network, LLC, formerly Mountaineer Cellular Limited Liability Company was granted a Certificate of Public Convenience and Necessity by the Kentucky Public Service Commission to construct and operate a cellular radio telecommunications system for KY RSA 9..

In an effort to improve service in Johnson County, East Kentucky Network, LLC Pursuant to KRS 278.020 Subsection 1 and 807 KAR 5:001 Section 9 is seeking the Commission's approval to construct a tower near Little Mud Lick in Johnson County, Kentucky. The proposed tower will be a 300 foot self-supporting tower located near Paintsville, Kentucky (Latitude: 37 ° 50' 42.0" Longitude: 82 ° 50' 32.0"). A map and detailed driving directions to the site can be found in Exhibit 8.

East Ky Network LLC merger documents were filed with the Commission on February 2, 2001 in Case # 2001-022.

FAA and Kentucky Airport Zoning Commission approvals have been applied for but are still pending. Final approvals will be submitted to the commission at a later date. These applications are enclosed as Exhibit 4 and 6.

No Federal Communications Commission approval is required prior to construction of this facility. Once service is established from this tower we must immediately notify the Federal Communications Commission of its operation. Prior approval is needed only if the proposed

They were given the docket number under which this application is filed. Enclosed in Exhibit 1 is a copy of that notification.

East Kentucky Network, LLC will finance the subject Construction with earned surplus in its General Fund.

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| Estimated Cost of Construction | 140,000.00 |
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| Annual Operation Expense of Tower | 12,500.00 |
|-----------------------------------|-----------|

A sign 24" X 48" which conforms to the Public Service Commissions guidelines issued on September 3, 1997 was posted on the site on February 26, 2004 and will remain posted for at least two weeks after filing of this application as specified by the PSC guidelines. A second such sign was posted at the nearest public road, and will remain posted two weeks after this filing.

Enclosed in Exhibit 9 is a copy of East Kentucky Network LLC's deeds to the site.

Notice of the location of the proposed construction was published on the first 2 weeks of March in the Paintsville Herald in Johnson, Kentucky. Enclosed is a copy of that notice in Exhibit 1. The Paintsville Herald is the newspaper with the largest circulation in Johnson County.

The proposed construction site is on a very rugged mountaintop some feet from the nearest structure. Prior to construction the site was wooded.

Due to the steep hillside surrounding the proposed site, the property in close proximity is unsuitable for any type of development. East Kentucky Network LLC's operation will not affect the use of nearby land nor its value. No more suitable site exists in the area. A copy of the search area map is enclosed in Exhibit 8. No other tower capable of supporting East Kentucky Network LLC's load exists in the general area; therefore, there is no opportunity for co-location of our facilities with anyone else.

facility increases the size of the cellular geographic service area. This cell site will not expand the cellular geographic service area.

A geologist was employed to determine soil and rock types and to ascertain the distance to solid bedrock. The geotechnical report is enclosed as Exhibit 3.

A copy of the tower design information is enclosed as Exhibit 5. The proposed tower has been designed by engineers at Universal Tower Inc. of Henderson, KY and will be constructed under their supervision. Their qualifications are evidenced in Exhibit 5 by the seal and signature of the registered professional engineer responsible for this project.

The tower will be erected by A & D Communication of Cattlesburg, Kentucky. A & D has vast experience in the erection of communications towers.

Enclosed, and should be filed with Exhibit 10, back of folder, is a survey of the proposed tower site signed by a Kentucky registered professional engineer. There is no structure within 500 feet of the proposed tower as indicated in this enclosure. Exhibit 2 is a list of all Property owners or residents within 500' of the proposed tower. No other properties are contiguous with East Kentucky's property.

Exhibit 10, back of folder, contains a vertical sketch of the tower by Coleman Engineering..

Pursuant to 807 KAR5:063 Sections 1 (1) : all affected property owners according to the property valuation administrator's record who reside or own property within 500 feet of the proposed Tower were notified by certified mail return receipt requested of East Kentucky Network, LLC's proposed construction and informed of their right to intervene. They were given the docket number under which this application is filed. Enclosed in Exhibit 2 is a copy of that notification.

Johnson County has no formal local planning unit. In absence of this unit the Johnson County Judge Executive's office was notified by certified mail, return receipt requested of East Kentucky Network Limited Liability Company's proposal and informed of their right to intervene.

The foregoing document was prepared by the Accounting Department of East Kentucky Network d/b/a Appalachian Wireless. All related questions or correspondence concerning this filing should be mailed to Michael Huffman, Controller, East Kentucky Network, P. O. Box 405, Prestonsburg, KY 41653.

APPROVED BY: Michael Huffman Date: 3/05/04
Michael Huffman, Controller

Phone: (606) 791-2375, Ext. 164

Email: (mhuffman@ekn.com)

Michael Huffman, Controller

East Kentucky Network, LLC.

355 Village Drive, P. O. Box 405

Prestonsburg, KY 41653

**EAST KENTUCKY NETWORK, LLC
d/b/a APPALACHIAN WIRELESS**

**LITTLE MUD LICK TOWER SITE
JOHNSON COUNTY, KENTUCKY**

EXHIBIT

ITEM

- | | |
|-----|---|
| 1. | Notification/Response from County |
| 2. | Copies of Cell Site Notices |
| 3. | Core Drilling Analysis |
| 4. | Kentucky Airport Zoning Commission Application |
| 5. | Tower Design |
| 6. | FAA Notice of Proposed Construction |
| 7. | 2002 Audited Financial Statements |
| 8. | Maps to Suitable Scale |
| 9. | Deed of Conveyance or Lease Agreement for the Proposed Tower Site Property |
| 10. | Survey of Site signed and sealed by a Professional Engineer Registered in Kentucky |